

[COMMITTEE PRINT]

MARCH 21, 1951

Committee on Interstate and Foreign Commerce, House of
Representatives

COMPARATIVE PRINT SHOWING THE DIFFERENCES BETWEEN S. 658 (PASSED BY THE SENATE ON FEBRUARY 5, 1951) AND THE SUBSTITUTE PRO- POSAL OF THE FEDERAL COMMUNICATIONS COM- MISSION

In this print—

Roman type represents matter which is the same in both S. 658 and the
FCC proposal.

~~Line type~~ represents matter in S. 658 which is not contained in the FCC
proposal.

Italic type represents matter in the FCC proposal which is not contained
in S. 658.

AN ACT

To further amend the Communications Act of 1934.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as “Communications Act
4 Amendments, 1951”.

5 SEC. 2. Subsection (o) of section 3 of the Communica-
6 tions Act of 1934, as amended, is amended to read as
7 follows:

8 “(o) ‘Broadcasting’ means the dissemination of radio

1 communications intended to be received directly by the
2 general public.”

3 SEC. 3. Section 3 of such Act is further amended by
4 adding after subsection (aa) the following:

5 “(bb) The term ‘license’, ‘station license’, or ‘radio
6 station license’ means that instrument of authorization re-
7 quired by this Act or the rules and regulations of the Com-
8 mission made pursuant to this Act, for the use or operation
9 of apparatus for transmission of energy, or communications,
10 or signals by radio, by whatever name the instrument may
11 be designated by the Commission.

12 “(cc) The term ‘broadcast station’, ‘broadcasting sta-
13 tion’, or ‘radio broadcast station’ means a radio station
14 equipped to engage in broadcasting as herein defined.

15 “(dd) The term ‘construction permit’ or ‘permit for
16 construction’ means that instrument of authorization re-
17 quired by this Act or the rules and regulations of the Com-
18 mission made pursuant to this Act for the installation of
19 apparatus for the transmission of energy, or communications,
20 or signals by radio, by whatever name the instrument may
21 be designated by the Commission.”

22 SEC. 4. (a) Subsection (b) of section 4 of such Act,
23 as amended, is amended by striking out the *next to the* last
24 ~~two sentences~~ *sentence* thereof and inserting in lieu thereof
25 the following: “Such Commissioners shall not engage in any

1 other business, vocation, profession, or ~~employment~~ *employ-*
 2 *ment*, but this shall not apply to the preparation of technical
 3 or professional publications for which reasonable honorarium
 4 or compensation may be ~~paid~~ *charged*. Any such Commis-
 5 sioner serving as such after one year from the date of enact-
 6 ment of the Communications Act Amendments, 1951, shall
 7 not for a period of one year following the termination of
 8 his services as a Commissioner represent before the Com-
 9 mission in a professional capacity any person, including all
 10 persons under common control, subject to the provisions
 11 of this Act, except that this restriction shall not apply to
 12 any Commissioner who has served the full term for which
 13 he was appointed. Not more than four members of the
 14 Commission shall be members of the same political party.”¹

15 (b) Subsection (f) (1) of section 4 of such Act is
 16 amended to read as follows:

17 “(f) (1) Without regard to the civil-service laws ~~or~~ *but*
 18 *subject to* the Classification Act of 1949, as amended, (1)
 19 the Commission may appoint and prescribe the duties ~~and~~
 20 ~~fix the salaries~~ of a secretary, a chief engineer and not more
 21 than two assistants, a chief accountant and not more than
 22 two assistants, a general counsel and not more than two
 23 assistants, *chiefs of the functional bureaus established pursu-*

¹ In the present law the foregoing sentence reads as follows: “Not more than four Commissioners shall be members of the same political party.” The FCC proposal would make no change in this sentence as presently in effect.

1 ant to section 5 (f) and not more than two assistants for each,
2 and counsel temporarily employed and designated by the
3 Commission for the performance of specific special services;
4 and (2) each Commissioner may appoint and prescribe the
5 duties of a legal professional assistant at an annual salary to
6 be fixed by the Commissioner but not to exceed \$10,000
7 and a secretary at an annual salary not to exceed \$5,600.
8 The chief engineer, the chief accountant, and the general
9 counsel shall each receive an annual salary of not to exceed
10 \$11,200; the Secretary shall receive an annual salary of not
11 to exceed \$10,000, and no assistant shall receive an annual
12 salary in excess of \$10,000: *Provided*, That on and after one
13 year from the date of enactment of Communications Act
14 Amendments, 1951, the secretary of the Commission, the
15 chief engineer and his assistants, the chief accountant and his
16 assistants, the general counsel and his assistants, the chief of
17 each integrated division and his assistant, and the legal
18 assistants to each Commissioner shall not, for the period of
19 one year next following the cessation of their employment
20 with the Commission, represent before the Commission in a
21 professional capacity any person, including all persons under
22 common control, subject to the provisions of this Act. The
23 Commission shall have authority, subject to the provisions of
24 the civil-service laws and the Classification Act of 1949, as

1 amended, to appoint such other officers, engineers, account-
2 ants, attorneys, inspectors, examiners, and other employees
3 as are necessary in the ~~execution~~ *exercise* of its functions.”

4 (c) The first sentence of subsection (g) of section 4
5 of such Act, as amended, is amended to read as follows:

6 “(g) The Commission may make such expenditures
7 (including expenditures for rent and personal services at
8 the seat of Government and elsewhere, for office supplies,
9 law books, periodicals, and books of reference, for printing
10 and binding, for land for use as sites for radio monitoring
11 stations and related facilities, including living quarters
12 where necessary in remote areas, for the construction of
13 such stations and facilities, and for the improvement, fur-
14 nishing, equipping, and repairing of such stations and facili-
15 ties and of laboratories and other related facilities (including
16 construction of minor subsidiary buildings and structures not
17 exceeding \$25,000 in any one instance) used in connection
18 with technical research activities), as may be necessary
19 for the execution of the functions vested in the Commission
20 and as from time to time may be appropriated for by
21 Congress.”

22 (d) Subsection (k) of section 4 of such Act is amended
23 to read as follows:

24 “(k) The Commission shall make an annual report to

1 Congress, copies of which shall be distributed as are other
2 reports transmitted to Congress. Such reports shall
3 contain—

4 “(1) such information and data collected by the
5 Commission as may be considered of value in the deter-
6 mination of questions connected with the regulation of
7 interstate and foreign wire and radio communication
8 and radio transmission of ~~energy~~ *energy*;

9 “(2) such information and data concerning the
10 functioning of the Commission as will be of value to
11 Congress in appraising the amount and character of the
12 work and accomplishments of the Commission and the
13 adequacy of its staff and equipment: *Provided*, That the
14 first and second annual reports following the date of
15 enactment of Communications Act Amendments, 1951,
16 shall set forth in detail the number and caption of pend-
17 ing applications requesting approval of transfer of control
18 or assignment of a station license, or construction per-
19 mits for new stations, or for increases in power, or for
20 changes of frequency of existing stations at the begin-
21 ning and end of the period covered by such reports;

22 “(3) information with respect to all persons taken
23 into the employment of the Commission during the year
24 covered by the report, including names, pertinent bio-
25 graphical data and experience, Commission positions

held and compensation paid, together with the names of those persons who have left the employ of the Commission during such year: *Provided*, That the first annual report following the date of enactment of Communications Act Amendments, 1951, shall contain such information with respect to all persons in the employ of the Commission at the close of the year for which the report is made;

“(4) an itemized statement of all funds expended during the preceding year by the Commission, of the sources of such funds, and of the authority in this Act or elsewhere under which such expenditures were made; and

“(5) specific recommendations to Congress as to additional legislation which the Commission deems necessary or desirable, including all legislative proposals submitted for approval to the Director of the Budget.”

SEC. 5. Section 5 of ~~such Act~~ *the Communications Act of 1934*, as amended, is amended to read as follows:

“ORGANIZATION OF THE COMMISSION

“SEC. 5. (a) *The Commission is hereby authorized by its order to divide the members thereof into not more than three panels, each to consist of not less than three members. Any Commissioner may be assigned to and may serve upon such panel or panels as the Commission may direct, and*

1 each panel shall choose its own chairman. In case of a
2 vacancy in any panel, or of absence or inability to serve
3 thereon of any Commissioner thereto assigned, the Chair-
4 man of the Commission or any Commissioner designated
5 by him for that purpose may temporarily serve on said
6 panel until the Commission shall otherwise order.

7 “(b) The Commission may by order direct that any
8 of its work, business, or functions arising under this Act,
9 or under any other Act of Congress, or in respect of any
10 matter which has been or may be referred to the Com-
11 mission by Congress or by either branch thereof, be assigned
12 or referred to any of said panels for action thereon, and may
13 by order at any time amend, modify, supplement, or rescind
14 any such direction. All such orders shall take effect forth-
15 with and remain in effect until otherwise ordered by the
16 Commission.

17 “(c) In conformity with and subject to the order or
18 orders of the Commission in the premises, each panel so
19 constituted shall have power and authority by a majority
20 thereof to hear and determine, order, certify, report, or other-
21 wise act as to any of said work, business, or functions so
22 assigned or referred to it for action by the Commission, and
23 in respect thereof the panel shall have all the jurisdiction
24 and powers now or then conferred by law upon the Com-
25 mission, and be subject to the same duties and obligations.

1 *Any order, decision, or report made or other action taken*
 2 *by any of said panels in respect of any matters so assigned*
 3 *or referred to it shall have the same force and effect, and may*
 4 *be made, evidenced, and enforced in the same manner as if*
 5 *made or taken by the Commission, subject to rehearing by*
 6 *the Commission as provided in section 405 of this Act for*
 7 *rehearing cases decided by the Commission. The secretary*
 8 *and seal of the Commission shall be the secretary and seal*
 9 *of each panel thereof.*

NOTE.—For section 5 (d) of the FCC's substitute proposal see page 11 of this print, where it is compared with section 5 (c) of S. 658.

10 “~~SEC. 5. (a)~~ (e) The member of the Commission desig-
 11 nated by the President as Chairman shall be the chief
 12 executive officer of the Commission. It shall be his duty
 13 to preside at all meetings and sessions of the Commission,
 14 to represent the Commission in all matters relating to legis-
 15 lation and legislative ~~reports~~ *reports*, except that any Com-
 16 missioner may present his own or minority views or sup-
 17 plemental reports, to represent the Commission in all matters
 18 requiring conferences or communications with other govern-
 19 mental officers, departments or agencies, and generally to
 20 coordinate and organize the work of the Commission in such
 21 manner as to promote prompt and efficient disposition of
 22 all matters within the jurisdiction of the Commission. In
 23 the case of a vacancy in the office of the Chairman of the

1 Commission, or the absence or inability of the Chairman to
2 serve, the Commission may temporarily designate and
3 appoint one of its members to act as Chairman until the cause
4 or circumstance requiring such service shall have been
5 eliminated or corrected.

6 “(b) (f) Within ~~sixty~~ *twelve months* after the
7 enactment of the Communications Act Amendments, 1951,
8 and from time to time thereafter as the Commission may find
9 necessary, the Commission shall organize its ~~legal, engineer-~~
10 ~~ing, and accounting~~ staff into (1) integrated ~~divisions~~
11 *bureaus*, to function on the basis of the Commission’s prin-
12 cipal workload operations; and (2) into such other divi-
13 sional organizations as the Commission may deem necessary
14 to handle that part of its workload which cuts across more
15 than one integrated ~~division~~ *bureau* or which does not
16 lend itself to the integrated ~~division~~ *bureau* set-up. Each
17 such integrated ~~division~~ *bureau* and divisional organization
18 shall include such legal, engineering, accounting, adminis-
19 trative, and ~~clerical~~ *clerical and other* personnel as the
20 Commission may determine to be necessary to perform its
21 functions. The ~~general counsel, the chief engineer, and the~~
22 ~~chief accountant and their respective assistants~~ shall carry
23 out their respective duties under such rules and regulations
24 as the Commission may prescribe. The Commission shall
25 establish a staff, directly responsible to it, which shall in-

1 elude such legal, engineering, and accounting personnel as
 2 the Commission deems necessary, whose duty shall be to
 3 prepare such drafts of Commission decisions, orders, and
 4 other memoranda as the Commission, in the exercise of
 5 its quasi-judicial duties, may from time to time direct:
 6 *Provided, That no member of such staff shall participate*
 7 *in a hearing or represent the Commission, directly or indi-*
 8 *rectly, in any prosecutory or investigatory function or*
 9 *proceeding. No person engaged directly or indirectly in*
 10 *any prosecutory or investigatory function in any adjudica-*
 11 *tion proceeding or who is subject to the supervision or direc-*
 12 *tion of any person performing or supervising any such*
 13 *prosecutory or investigatory activity shall advise or consult*
 14 *with the Commission with respect to decisions by it after*
 15 *formal hearing in any adjudication as defined in section*
 16 *2 (d) of the Administrative Procedure Act.*

17 “(e) Except as provided in section 409 hereof, the Com-
 18 mission, when necessary to the proper functioning of the
 19 (d) The Commission and the prompt and orderly conduct of
 20 its business, is hereby authorized and directed by its order
 21 to assign or refer any portion of its work, business, or func-
 22 tions arising under this or any other Act of Congress or
 23 referred to it, by the Congress, or either branch thereof, to an
 24 individual ~~Commissioner or Commissioners~~ Commissioner,
 25 or to a board composed of ~~one or more~~ an employee or em-

1 ployees of the ~~Commission~~, *Commission* to be designated by
 2 such order for action thereon, and by its ~~further~~ order at any
 3 time to amend, modify, *supplement*, or rescind any such order
 4 *assignment* or reference: *Provided*, That this authority
 5 shall not extend to duties otherwise specifically imposed
 6 *upon the Commission* by this or any other Act of Congress.
 7 *In case of the absence, or inability for any other reason to act,*
 8 *of any such individual Commissioner or employee designated*
 9 *to serve upon any such board, the Chairman of the Commis-*
 10 *sion may designate another Commissioner or employee, as*
 11 *the case may be, to serve temporarily until the Commission*
 12 *shall otherwise order. In conformity with and subject to*
 13 *the order or orders of the Commission in the premises, any*
 14 *such individual Commissioner, or board acting by a major-*
 15 *ity thereof, shall have power and authority to hear and de-*
 16 *termine, order, certify, report, or otherwise act as to any of*
 17 *said work, business, or functions so assigned or referred to*
 18 *him or it for action by the Commission and in respect thereof*
 19 *shall have all the jurisdiction and powers now or then con-*
 20 *ferred by law upon the Commission and be subject to the*
 21 *same duties and obligations. Any order, decision, or report*
 22 *made or other action taken pursuant to any such order or*
 23 *reference shall have the same force and effect and may be*
 24 *made, evidenced, and enforced as is made by the Commis-*
 25 *sion: Provided however, That any person aggrieved by*

1 any such order, decision, or report may file a petition for
2 review by the Commission, and every such petition shall
3 be passed upon by the Commission. Any order, decision,
4 or report made or other action taken by any such indi-
5 vidual Commissioner or board in respect of any matters
6 so assigned or referred shall have the same force and effect,
7 and may be made, evidenced, and enforced in the same manner
8 as if made or taken by the Commission. Any party affected
9 by any order, decision, or report of any such individual Com-
10 missioner or board may file a petition for rehearing by the
11 Commission or a panel thereof and every such petition shall
12 be passed upon by the Commission or a panel thereof. Any
13 action by a panel upon such a petition shall itself be subject
14 to rehearing by the Commission, as provided in section 405
15 of this Act, and in subsection (c). The Commission may
16 make and amend rules for the conduct of proceedings before
17 such individual Commissioner or board and for the rehearing
18 of such action before a panel of the Commission or the
19 Commission. The secretary and seal of the Commission
20 shall be the secretary and seal of such individual Commis-
21 sioner or board.

22 “(d) Meetings of the Commission shall be held at regu-
23 lar intervals, not less frequently than once each calendar
24 month, (g) The Commission shall hold, at least once in every
25 three months, a meeting at which times the functioning of

1 the Commission and the handling of its workload shall be
2 reviewed and such orders shall be entered and other action
3 taken as may be necessary or appropriate to expedite the
4 prompt and orderly conduct of the business of the Commis-
5 sion ~~with the objective of rendering a final decision (1)~~
6 ~~within three months from the date of filing in all original~~
7 ~~application, renewal, and transfer cases and (2) within~~
8 ~~six months from the final date of the hearing in all hearing~~
9 ~~cases; and the Commission shall promptly report to the~~
10 ~~Congress each such case which has been pending before it~~
11 ~~more than such three- or six-month period, respectively,~~
12 ~~stating the reasons therefor."~~

13 “(h) *Nothing in this section contained, or done pursuant*
14 *thereto, shall be deemed to divest the Commission of any*
15 *of its powers.”*

16 SEC. 6. Subsection (d) of section 307 of such Act is
17 amended to read as follows:

18 “(d) No license granted for the operation of a broad-
19 casting station shall be for a longer term than three years
20 and no license so granted for any other class of station shall
21 be for a longer term than five years, and any license granted
22 may be revoked *or suspended* as hereinafter provided. Upon
23 the expiration of any license, upon application therefor, a
24 renewal of such license may be granted from time to time
25 for a term of not to exceed three years in the case of broad-

1 casting licenses and not to exceed five years in the case of
2 other licenses if the Commission finds that public interest,
3 convenience and necessity would be served thereby licenses,
4 and not to exceed five years in the case of other licenses, but
5 action of the Commission with reference to the granting of
6 such application for the renewal of a license shall be limited
7 to and governed by the same considerations and practice
8 which affect the granting of original applications. Pending
9 any hearing and final decision on such an application and
10 the disposition of any petition for rehearing pursuant to
11 section 405 hereof the Commission shall continue such license
12 in effect."

13 SEC. 7. So much of subsection (a) of section 308 of
14 such Act as precedes the second proviso is amended to read
15 as follows: "The Commission may grant instruments of
16 authorization entitling the holders thereof to construct or
17 operate apparatus for the transmission of energy, or com-
18 munications, or signals by radio or modifications or renewals
19 thereof, only upon written application therefor received by
20 it: *Provided*, That (1) in cases of emergency found by
21 the Commission involving danger to life or property or
22 due to damage to equipment, or (2) during a national emer-
23 gency proclaimed by the President or declared by the Con-
24 gress and during the continuance of any war in which the
25 United States is engaged and when such action is necessary

1 for the national defense or security or otherwise in further-
 2 ance of the war effort, or (3) in cases of emergency where
 3 the Commission finds that it would not be feasible to secure
 4 renewal applications from existing licensees in the nonbroad-
 5 cast services or otherwise to follow normal licensing pro-
 6 cedure, the Commission may grant and issue authority to
 7 construct or operate apparatus for the transmission of energy
 8 or communications or signals by radio during the emer-
 9 gency so found by the Commission or during the continuance
 10 of any such national emergency or war, in such manner
 11 and upon such terms and conditions as the Commission shall
 12 by regulation prescribe, and without the filing of a formal
 13 application, but no such authority shall be granted for a
 14 period beyond the period of the emergency requiring it nor
 15 remain effective beyond such period:".

16 SEC. 8. Section 309 (a) of such Act, as amended, is
 17 amended to read as follows:

18 ~~"HEARINGS ON APPLICATIONS FOR LICENSES; FORM OF~~
 19 ~~LICENSES; CONDITIONS ATTACHED TO LICENSES~~

20 "SEC. 309. (a) If upon examination of any application
 21 provided for in section 308 for a station license or for the
 22 renewal or modification of a station license the Commission
 23 shall determine that public interest, convenience, and or
 24 necessity would be served by the granting thereof, it shall
 25 authorize the issuance of the instrument of authorization for

1 ~~which application is made~~ issuance, renewal, or modification
2 thereof in accordance with said finding. In the event the
3 Commission upon examination of any such application does
4 not reach such decision with respect thereto, it shall formally
5 designate the application for hearing and shall notify the
6 applicant of such action and the grounds and reasons there-
7 for, specifying with particularity the matter and things in
8 issue, shall fix and give notice of a time and place for
9 hearing thereon, and shall afford such applicant an oppor-
10 tunity to be heard under such rules and regulations as it
11 may prescribe.”

12 “(b) If upon examination of any such application the
13 Commission is unable to make the finding specified in sub-
14 section (a) of this section, it shall forthwith notify the ap-
15 plicant and other known parties in interest of the grounds
16 and reasons for its inability to make such finding. Such
17 notice, which shall precede formal designation for a hearing,
18 shall advise the applicant and all other known parties in
19 interest of all objections made to the application as well as
20 the source and nature of such objections. Following such
21 notice, the applicant shall be given an opportunity to reply.
22 If the Commission, after considering such reply, shall be
23 unable to make the finding specified in subsection (a) of
24 this section, it shall formally designate the application for

1 hearing on the grounds or reasons then obtaining and shall
2 notify the applicant and all other known parties in inter-
3 est of such action and the grounds and reasons therefor,
4 specifying with particularity the matters and things in issue
5 but not including issues or requirements phrased generally.
6 The parties in interest, if any, who are not notified by the
7 Commission of its action with respect to a particular applica-
8 tion may acquire the status of a party to the proceeding
9 thereon by filing a petition for intervention showing the
10 basis for their interest at any time not less than ten days
11 prior to the date of hearing. —Any hearing subsequently held
12 upon such application shall be a full hearing in which the
13 applicant and all other parties in interest shall be permitted
14 to participate but in which both the burden of proceeding
15 with the introduction of evidence upon any issue specified
16 by the Commission, as well as the burden of proof upon
17 all such issues, shall be upon the applicant.

18 “(c) When any instrument of authorization is granted
19 by the Commission without a hearing as provided in subsec-
20 tion (a) hereof, such grant shall remain subject to protest as
21 hereinafter provided for a period of thirty days. During
22 such thirty-day period any party in interest may file a pro-
23 test under oath directed to such grant and request a hearing
24 on said application so granted. Any protest so filed shall
25 contain such allegations of fact as will show the protestant

1 to be a party in interest and shall specify with particularity
2 the facts, matters, and things relied upon, but shall not in-
3 clude issues or allegations phrased generally. The Commis-
4 sion shall, within fifteen days from the date of the filing of
5 such protest, enter findings as to whether such protest meets
6 the foregoing requirements and if it so finds the application
7 involved shall be set for hearing upon the issues set forth
8 in said protest, together with such further specific issues, if
9 any, as may be prescribed by the Commission. In any hear-
10 ing subsequently held upon such application all issues specified
11 by the Commission shall be tried in the same manner pro-
12 vided in subsection (b) hereof but with respect of all issues
13 set forth in the protest and not specifically adopted by the
14 Commission, both the burden of proceeding with the intro-
15 duction of evidence and the burden of proof shall be upon the
16 protestant. The hearing and determination of cases arising
17 under this subsection shall be expedited by the Commission
18 and pending hearing and decision the effective date of the
19 Commission's action to which protest is made shall be post-
20 poned to the effective date of the Commission's decision after
21 hearing, unless the authorization involved is necessary to the
22 maintenance or conduct of an existing service, in which event
23 the Commission shall authorize the applicant to utilize the
24 facilities or authorization in question pending the Commis-
25 sion's decision after hearing.

1 “(d) Such station licenses as the Commission may grant
2 shall be in such general form as it may prescribe, but each
3 license shall contain, in addition to other provisions, a state-
4 ment of the following conditions to which such license shall
5 be subject: (1) The station license shall not vest in the
6 licensee any right to operate the station nor any right in
7 the use of the frequencies designated in the license beyond
8 the term thereof nor in any other manner than authorized
9 therein; (2) neither the license nor the right granted there-
10 under shall be assigned or otherwise transferred in violation
11 of this Act; (3) every license issued under this Act shall be
12 subject in terms to the right of use or control conferred
13 by section 606 hereof.”

14 SEC. 9. Subsection (b) of section 310 of said Act is
15 amended to read as follows:

16 “(b) No instrument of authorization granted by the
17 Commission entitling the holder thereof to construct or to
18 operate radio apparatus and no rights granted thereunder
19 shall be transferred, assigned, or disposed of in any manner,
20 voluntarily or involuntarily, directly or indirectly, or by
21 transfer of control of any corporation holding such instru-
22 ment of authorization, to any person except upon application
23 to the Commission and upon finding by the Commission that
24 the proposed transferee or assignee possesses the qualifica-
25 tions required of an original permittee or licensee. The

1 procedure for handling such application shall be that pro-
 2 vided in section 309."

3 SEC. 10. Section 311 of such Act, as amended, is
 4 amended to read as follows:

5 "SEC. 311. The Commission is hereby directed to refuse
 6 a station license and/or the permit hereinafter required for
 7 the construction of a station to any person (or to any per-
 8 son directly or indirectly controlled by such person) whose
 9 license has been revoked by a court under section 313."

10 SEC. 11 9. Section 312 of such Act, as amended, is
 11 amended to read as follows:

12 "REVOCATION OF LICENSES; CEASE AND DESIST ORDERS

13 ADMINISTRATIVE SANCTIONS

14 "SEC. 312. (a) Any station license may be revoked
 15 ~~(1)~~ because of conditions coming to the attention of the
 16 Commission since the granting of such license which would
 17 have warranted the Commission in refusing to grant such
 18 license, or ~~(2)~~ for violation or failure to observe any
 19 of the restrictions or provisions of a treaty ratified by the
 20 United States, or ~~(3)~~ for violation of or failure to observe
 21 the terms and conditions of any cease-and-desist order issued
 22 by the Commission pursuant to subsection ~~(b)~~ hereof.
 23 *revoked or suspended for a period not to exceed ninety days.*
 24 *and any construction permit may be revoked—*

1 “(1) for false statements knowingly made either in
2 the application or in any statement of fact which may be
3 required pursuant to section 308;

4 “(2) because of conditions coming to the attention
5 of the Commission which would warrant it in refusing to
6 grant a license or permit on an original application;

7 “(3) for willful or repeated failure to operate sub-
8 stantially as set forth in the license;

9 “(4) for willful or repeated violation of, or willful
10 or repeated failure to observe, any provision of this Act
11 or any rule or regulation of the Commission authorized
12 by this Act or by a treaty ratified by the United States;

13 “(5) because the licensee or permittee (or any per-
14 son controlling, controlled by, or under common control
15 with, such licensee or permittee) has engaged in a course
16 of conduct designed to persuade, induce, or coerce any
17 other licensee or permittee (A) to violate or fail to observe
18 any of the provisions of this Act or any rule or regula-
19 tion of the Commission, or (B) to engage in any course
20 of conduct which, under any rule or regulation of the
21 Commission, would warrant the Commission in refusing
22 to grant a license or permit to such other licensee or
23 permittee;

24 “(6) for violation of or failure to observe any cease

1 *and desist order issued by the Commission under this*
2 *section.*

3 The Commission may institute a revocation proceeding by
4 serving upon the licensee an order to show cause why its
5 license should not be revoked. Said orders shall contain a
6 statement of the particulars and matters with respect to
7 which the Commission is inquiring and shall call upon the
8 licensee to appear before the Commission at a time and place
9 therein stated, but in no event less than thirty days after
10 receipt of such notice, and give evidence upon the matter
11 specified in said order: *Provided*, That where safety of life
12 or property is involved, the Commission may by order pro-
13 vide for a shorter period of notice. If, after hearing, or a
14 waiver thereof by the licensee, the Commission determines
15 that a revocation order should issue, it shall make a report in
16 writing stating the findings of the Commission and the
17 grounds and reasons therefor and shall cause the same to
18 be served on said licensee, together with such order.

19 “(b) Where any person (1) has failed to operate sub-
20 stantially as set forth in an instrument of authorization a
21 license, or (2) has *violated or* has failed to observe any of
22 the restrictions and conditions *provisions* of this Act or of a
23 treaty ratified by the United States, or (3) has violated or
24 failed to observe any rule or regulation of the Commission

1 authorized by this Act, or by a treaty ratified by the United
2 States, the Commission may institute a proceeding by serving
3 upon such person an order to show cause why it should not
4 order such person to cease and desist from such action. Said
5 order shall contain a statement of the particulars and matters
6 with respect to which the Commission is inquiring and shall
7 call upon such person to appear before the Commission at
8 a time and place therein stated, but in no event less than
9 thirty days after receipt of such notice, and give evidence
10 upon the matter specified in said order. If, after hearing, or
11 a waiver thereof by such person, the Commission determines
12 that a cease-and-desist order should issue, it shall make a
13 report in writing stating the findings of the Commission and
14 the grounds and reasons therefor and shall cause the same
15 to be served on said person, together with such order."

16 "(c) Before revoking or suspending a license or re-
17 voking a permit pursuant to subsection (a), or issuing a
18 cease and desist order pursuant to subsection (b), the Com-
19 mission shall serve upon the licensee, permittee, or person
20 involved an order to show cause why an order of revoca-
21 tion or suspension or a cease and desist order should not be
22 issued. Any such order to show cause shall contain a state-
23 ment of the matters with respect to which the Commission
24 is inquiring and shall call upon said licensee, permittee, or
25 person to appear before the Commission at a time and place

1 *stated in the order, but in no event less than thirty days after*
2 *the receipt of such order, and give evidence upon the matter*
3 *specified therein; except that where safety of life or property*
4 *is involved, the Commission may provide in the order for a*
5 *shorter period. If after hearing, or a waiver thereof, the*
6 *Commission determines that an order of revocation or suspen-*
7 *sion or a cease and desist order should issue, it shall issue such*
8 *order, which shall include a statement of the findings of the*
9 *Commission and the grounds and reasons therefor and specify*
10 *the effective date of the order, and shall cause the same to be*
11 *served on said licensee, permittee, or person.*

12 “(d) *In any case where the Commission is authorized*
13 *pursuant to this section to suspend or revoke a license, or to*
14 *revoke a permit, or to issue a cease and desist order, the*
15 *Commission, after the hearing required by subsection (c),*
16 *or waiver thereof, in lieu of revoking or suspending a license,*
17 *or revoking a permit, or issuing a cease and desist order,*
18 *or in addition to issuing a cease and desist order, may order*
19 *the licensee or permittee to forfeit to the United States the*
20 *sum of \$500 for each day during which the Commission*
21 *finds that any offense set forth in the order to show cause*
22 *issued pursuant to subsection (c) occurred, or such lesser*
23 *sum as the Commission may find appropriate in the light of*
24 *all the facts and circumstances of the particular case. Any*
25 *forfeiture ordered by the Commission under this subsection*

1 shall be paid by such permittee or licensee to the Treasury
2 of the United States within thirty days after the public notice
3 of the order of the Commission unless the Commission shall,
4 upon application, extend the time for payment, and, if not
5 so paid, the license or permit shall be deemed revoked and
6 shall be surrendered forthwith unless within such time the
7 licensee shall file a suit in accordance with the provisions of
8 section 402 (a) hereof to enjoin or set aside the order of
9 the Commission. If the order is sustained, the forfeiture,
10 together with interest thereon, shall be paid into the Treasury
11 of the United States within thirty days after public notice
12 of the order of the court unless the Commission shall, upon
13 application, extend the time for payment, and, if not so paid,
14 the license or permit shall be deemed revoked, and shall be
15 surrendered forthwith.

16 “(e) Any station license granted under the provisions
17 of this Act, or the construction permit required hereby, may
18 be modified by the Commission either for a limited time or for
19 the duration of the term thereof, if in the judgment of the
20 Commission such action will promote the public interest, con-
21 venience, and necessity, or the provisions of this Act or of
22 any treaty ratified by the United States will be more fully
23 complied with: Provided, however, That no such order of
24 modification shall become final until the holder of such out-
25 standing license or permit shall have been notified in writing

1 of the proposed action and the grounds or reasons therefor
 2 and shall have been given reasonable opportunity, in no event
 3 less than thirty days, to show cause by public hearing, if
 4 requested, why such order of modification should not issue:
 5 *Provided, That where safety of life or property is involved,*
 6 *the Commission may, by order, provide for a shorter period*
 7 *of notice.*

8 “(f) In any case where a hearing is conducted pursuant
 9 to the provisions of this section, both the burden of proceeding
 10 with the introduction of evidence and the burden of proof
 11 shall be upon the Commission.”

12 SEC. 12. Part I of title III of such Act is amended by
 13 adding the following new section:

14 “MODIFICATION BY COMMISSION OF CONSTRUCTION
 15 PERMITS OR LICENSES

16 “SEC. 330. (a) Any station license granted under the
 17 provisions of this Act or the construction permit required
 18 thereby may be modified by the Commission either for a
 19 limited time or for the duration of the term thereof, if in
 20 the judgment of the Commission such action will promote
 21 the public interest, convenience, and necessity, or the pro-
 22 visions of this Act or of any treaty ratified by the United
 23 States will be more fully complied with: *Provided, That no*
 24 *such order of modification shall become final until the holder*
 25 *of such outstanding license or permit shall have been notified*

1 in writing of the proposed action and the grounds and
 2 reasons therefor, and shall have been given reasonable
 3 opportunity, in no event less than thirty days, to show cause
 4 by public hearing, if requested, why such order of modifica-
 5 tion should not issue: *Provided*, That where safety of life
 6 or property is involved, the Commission may by order pro-
 7 vide for a shorter period of notice.

8 “(b) In any case where a hearing is conducted pur-
 9 suant to the provisions of this section or section 312, both
 10 the burden of proceeding with the introduction of evidence
 11 and the burden of proof shall be upon the Commission.”

12 SEC. 13. Part I of title III of such Act is amended by
 13 adding the following new section:

14 “LIMITATIONS ON QUASI-JUDICIAL POWERS

15 “SEC. 331. No license granted and issued under the
 16 authority of this Act for the operation of any radio station
 17 shall be modified by the Commission, except in the manner
 18 provided in section 330 (a) hereof, and no such license
 19 may be revoked, terminated, or otherwise invalidated by the
 20 Commission, except in the manner and for the reasons pro-
 21 vided in section 312 (a) hereof. When application is made
 22 for renewal of an existing license, which cannot be disposed
 23 of by the Commission under the provisions of section 309
 24 (a) hereof, the Commission shall employ the procedure
 25 specified in section 309 (b) hereof, except that in any hear-

1 ing subsequently held upon such application the burden of
 2 proceeding with the evidence and of substantiating the
 3 grounds and reasons specified by the Commission in the
 4 formal notice of hearing issued pursuant to section 309 (b)
 5 hereof shall be upon the appropriate division established by
 6 the Commission under the provisions of section 5 (b) hereof
 7 or upon any party or parties who may oppose such renewal;
 8 but as a condition precedent to the renewal the Commission
 9 shall affirmatively find that the public interest, convenience
 10 and necessity will be served by such renewal. Pending
 11 such hearing and final decision pursuant thereto the Com-
 12 mission shall continue such license in effect.”²

13 SEC. 14. The heading of section 401 of such Act is
 14 amended to read:

15 “JURISDICTION TO ENFORCE ACT AND ORDERS OF
 16 COMMISSION; DECLARATORY ORDERS”

17 and such section is amended by adding at the end thereof a
 18 new subsection (e) as follows:

19 “(e) The Commission is authorized, in its sound discre-
 20 tion and with like effect as in the case of other orders, to issue
 21 a declaratory order to terminate a controversy or remove
 22 uncertainty. Notwithstanding the provisions of section 5
 23 (d) of the Act of June 11, 1946 (60 Stat. 239) declaratory

² A substantially similar sentence, contained in the FCC's substitute proposal, appears in this print on page 15, line 8.

1 orders shall be issued only upon the petition of, and after
 2 notice to and opportunity for hearing by, persons who are
 3 bona fide applicants for, or the holders of, construction per-
 4 mits or licenses, or otherwise subject to the jurisdiction of
 5 the Commission, and shall not bind or affect the rights of
 6 persons who are not parties to such proceedings. Such orders
 7 shall be available to declare rights and other legal relations
 8 arising under the provisions of any treaty ratified by the
 9 United States, under any provision of this Act, or under
 10 any order, rule, regulation, term, condition, limitation, or
 11 requirement issued, promulgated, or adopted by the Com-
 12 mission, whether or not involving failure to comply there-
 13 with."

14 SEC. 15 10. Section 402 of such Act is amended to read
 15 as follows:

16 "SEC. 402. (a) The provisions of the Act of June 25,
 17 1948 (62 Stat. 992), as amended, relating to the enforcing
 18 or setting aside of orders of the Interstate Commerce Com-
 19 mission are hereby made applicable to suits *Suits* to enforce,
 20 enjoin, set aside, annul, or suspend any order of the Com-
 21 mission under this Act (except those appealable under the
 22 provisions of subsection (b) hereof), and such suits are
 23 hereby authorized to be brought as provided in that Act.
 24 In addition to the venues specified in that Act, suits to enjoin,

1 set aside, annul, or suspend, but not to enforce, any such
2 order of the Commission may also be brought in the United
3 States District Court for the District of Columbia shall be
4 brought as provided by and in the manner prescribed in
5 Public Law Numbered 901 (Eighty-first Congress, second
6 session (December 29, 1950)).

7 “(b) Appeals may be taken from decisions and orders
8 of the Commission to the United States Court of Appeals
9 for the District of Columbia in any of the following cases:

10 “(1) By any applicant for any instrument of
11 authorization required by this Act, or the regulations of
12 the Commission made pursuant to this Act, for the con-
13 struction or operation of apparatus for the transmission
14 of energy, or communications, or signals by radio, whose
15 application is denied by the Commission.

16 “(2) By any applicant for the renewal or modi-
17 fication of any such instrument of authorization whose
18 application is denied by the Commission.

19 “(3) By any party to an application for authority
20 to assign any such instrument of authorization or to
21 transfer control of any corporation holding such instru-
22 ment of authorization whose application is denied by
23 the Commission.

24 “(4) By any applicant for the permit required by

1 section 325 of this Act whose application has been denied
 2 by the Commission or any permittee under said section
 3 whose permit has been revoked by the Commission.

4 “(5) By the holder of any instrument of authori-
 5 zation required by this Act, or the regulations of the
 6 Commission made pursuant to this Act, for the con-
 7 struction or operation of apparatus for the transmission
 8 of energy, or communications or signals by radio, which
 9 instrument has been ~~modified~~ *modified*, *suspended* or
 10 revoked by the Commission.

11 “(6) By any other person who is aggrieved or
 12 whose interests are adversely affected by any order of
 13 the Commission granting or denying any application
 14 described in paragraphs (1), (2), (3), and (4)
 15 hereof.

16 “(7) By any person upon whom an order to cease
 17 and desist has been served under section 312 ~~(b)~~ (c) of
 18 this Act.

19 ~~“(8) By any party to a proceeding under section~~
 20 ~~401 who is aggrieved or whose interests are adversely~~
 21 ~~affected by a declaratory order entered by the~~
 22 ~~Commission.~~

23 ~~“(9)~~ (8) By any radio operator whose license has
 24 been suspended by the Commission.

1 “(c) Such appeal shall be taken by filing a notice of
2 appeal with the court within thirty days ~~after the entry~~
3 ~~of the~~ *from the date upon which public notice is given of the*
4 *decision or order complained of.* Such notice of appeal shall
5 contain a concise statement of the nature of the proceedings
6 as to which the appeal is taken; a concise statement of the
7 reasons on which the appellant intends to rely, separately
8 stated and numbered; and proof of service of a true copy
9 of said notice and statement upon the Commission. Upon
10 filing of such notice, the court shall have ~~exclusive~~ juris-
11 diction of the proceedings and of the questions determined
12 therein and shall have power, by order, directed to the Com-
13 mission or any other party to the appeal, to grant such
14 temporary relief as it may deem just and proper. Orders
15 granting temporary relief may be either affirmative or nega-
16 tive in their scope and application so as to permit either the
17 maintenance of the status quo in the matter in which the
18 appeal is taken or the restoration of a position or status
19 terminated or adversely affected by the order appealed from
20 and shall, unless otherwise ordered by the court, be effective
21 pending hearing and determination of said appeal and com-
22 pliance by the Commission with the final judgment of the
23 court rendered in said appeal.

24 “(d) Upon the filing of any such notice of appeal the

1 Commission shall, not later than five days after the date
2 of service upon it, notify each person shown by the records
3 of the Commission to be interested in said appeal of the
4 filing and pendency of the same and shall thereafter permit
5 any such person to inspect and make copies of said notice
6 and statement of reasons therefor at the office of the Com-
7 mission in the city of Washington. Within thirty days after
8 the filing of an appeal, the Commission shall file with the
9 court a copy of the order complained of, a full statement
10 in writing of the facts and grounds relied upon by it in
11 support of the order involved upon said appeal, and the
12 originals or certified copies of all papers and evidence
13 presented to *it* and considered by it in entering said order.

14 “(e) Within thirty days after the filing of an appeal
15 any interested person may intervene and participate in the
16 proceedings had upon said appeal by filing with the court
17 a notice of intention to intervene and a verified statement
18 showing the nature of the interest of such party, together
19 with proof of service of true copies of said notice and state-
20 ment, both upon appellant and upon the Commission. Any
21 person who would be aggrieved or whose interest would be
22 adversely affected by a reversal or modification of the order
23 of the Commission complained of shall be considered an
24 interested party.

1 “(f) The record and briefs upon which any such appeal
2 shall be heard and determined by the court shall contain
3 such information and material, and shall be prepared within
4 such time and in such manner as the court may by rule
5 prescribe.

6 “(g) At the earliest convenient time the court shall hear
7 and determine the appeal upon the record before it in the
8 manner prescribed by section 10 (e) of the Act of June
9 11, 1946 (60 Stat. 243).

10 “(h) In the event that the court shall render a decision
11 and enter an order reversing the order of the Commission,
12 it shall remand the case to the Commission to carry out the
13 judgment of the court and it shall be the duty of the Com-
14 mission, in the absence of the proceedings to review such
15 judgment, to forthwith give effect thereto, and unless other-
16 wise ordered by the court, to do so upon the basis of the
17 proceedings already had and the record upon which said
18 appeal was heard and determined.

19 “(i) The court may, in its discretion, enter judgment
20 for costs in favor of or against an appellant, or other inter-
21 ested parties intervening in said appeal, but not against the
22 Commission, depending upon the nature of the issues in-
23 volved upon said appeal and the outcome thereof.

24 “(j) The court's judgment shall be final, subject, how-

1 ever, to review by the Supreme Court of the United States
2 as hereinafter provided—

3 “(1) an appeal may be taken direct to the Supreme
4 Court of the United States in any case wherein the juris-
5 diction of the court is invoked, or sought to be invoked,
6 for the purpose of reviewing any decision or order
7 entered by the Commission in proceedings instituted by
8 the Commission which have as their object and purpose
9 the revocation of an existing license or any decision or
10 order entered by the Commission in proceedings which
11 involve the failure or refusal of the Commission to renew
12 an existing license. Such appeal shall be taken by the
13 filing of an application therefor or notice thereof within
14 thirty days after the entry of the judgment sought to be
15 reviewed, and in the event such an appeal is taken the
16 record shall be made up and the case docketed in the
17 Supreme Court of the United States within sixty days
18 from the time such an appeal is allowed under such rules
19 as may be ~~prescribed~~; *prescribed*.

20 “(2) in all other cases, review by the Supreme
21 Court of the United States shall be upon writ of certi-
22 orari on petition therefor under section 240 of the
23 Judicial Code, as amended, by the appellant, by the
24 Commission, or by any interested party intervening in
25 the appeal, or by certification by the court pursuant to

1 the provision of section 239 of the Judicial Code, as
2 amended.”

3 SEC. ~~46~~ 11. The heading of section 405 of such Act is
4 amended to read *as follows*:

5 “REHEARINGS BEFORE COMMISSION”

6 and such section is amended to read as follows:

7 “SEC. 405. (a) After a decision, order, or requirement
8 has been made by the Commission in any ~~proceeding~~ *pro-*
9 *ceedings*, any party thereto, or any other person aggrieved
10 or whose interests are adversely affected thereby, may peti-
11 tion for rehearing. Petitions for rehearing must be filed
12 within thirty days from the ~~entry~~ *date upon which public*
13 *notice is given* of any decision, order, or requirement com-
14 plained of and ~~except for those cases in which the decision,~~
15 ~~order, or requirement challenged is necessary for the mainte-~~
16 ~~nance or conduct of an existing service, the filing of such a~~
17 ~~petition shall automatically stay the effective date thereof~~
18 ~~until after decision on said petition.~~ *No such application shall*
19 *excuse any person from complying with or obeying any*
20 *decision, order, or requirement of the Commission, or operate*
21 *in any manner to stay or postpone the enforcement thereof,*
22 *without the special order of the Commission.* The filing of a
23 petition for rehearing shall not be a condition precedent to
24 judicial review of any such decision, order, or requirement,
25 except where the party seeking such review was not a party

1 to the proceedings resulting in such decision, order, or re-
 2 quirement, or where the party seeking such review relies on
 3 questions of fact or law upon which the Commission has been
 4 afforded no opportunity to pass. Rehearing shall be gov-
 5 erned by such general rules as the Commission may estab-
 6 lish: *Provided, That, except for newly discovered evidence or*
 7 *evidence otherwise available only since the original taking of*
 8 *evidence, no evidence shall be taken on any rehearing. The*
 9 *time within which an appeal must be taken under section 402*
 10 *(b) hereof shall be computed from the date upon which*
 11 *orders are entered disposing of all petitions for rehearing filed*
 12 *in any case, but any decision, order, or requirement made*
 13 *after such rehearing reversing, changing, or modifying the*
 14 *original determination order shall be subject to the same*
 15 *provisions with respect to rehearing as an original order."*

16 SEC. 17 12. (a) Section 409 (a) of such Act is amended
 17 to read as follows:

18 "SEC. 409. (a) Notwithstanding the provisions of sec-
 19 tion 7 (a) of the Act of June 11, 1946 (60 Stat. 241),
 20 all cases in which a hearing is required by the provisions
 21 of this Act or by other applicable provisions of law shall
 22 be conducted by the Commission or by one or more examin-
 23 ers provided for in section 11 of the Act of June 11, 1946
 24 (60 Stat. 244), designated by the Commission. The officer
 25 or officers presiding at any such hearing shall have the same

1 authority and duties exercised in the same manner and sub-
2 ject to the same conditions specified in section 7 of that Act.

3 “(b) (a) Notwithstanding the provisions of section 8
4 of the *Administrative Procedure Act* of June 11, 1946 (60
5 Stat. 242), the officer or officers conducting a hearing
6 required by the provisions of this Act or other applicable
7 provisions of law shall prepare and file an intermediate
8 report an initial decision, except where the hearing officer
9 becomes unavailable to the Commission or where the Com-
10 mission finds upon the record that due and timely execution
11 of its functions imperatively and unavoidably require that
12 the record be certified to the Commission for initial or
13 final decision. In all such cases the Commission shall
14 permit the filing of exceptions to such intermediate report
15 initial decision by any party to the proceeding and shall,
16 upon request, hear oral argument on such exceptions
17 before the entry of any final decision, order, or require-
18 ment. All decisions, including the intermediate report
19 initial decision, shall become a part of the record and shall
20 include a statement of (1) findings and conclusions, as well
21 as the basis therefor, upon all material issues of fact, law,
22 or discretion, presented on the record; and (2) the appro-
23 priate decision, order, or requirement.

24 “(e) (b) Notwithstanding the provisions of section 5
25 (e) of the *Administrative Procedure Act* of June 11, 1946

1 (60 Stat. 239), no officer conducting a hearing pursuant
 2 to *subsection (a) and (b)* hereof shall, ~~except to the extent~~
 3 required for the disposition of ex parte matters as authorized
 4 by law, consult any person or party on any fact or question
 5 of law in issue, unless upon notice and opportunity for all
 6 parties to participate; nor shall such officer be responsible
 7 to or subject to the supervision or direction of any ~~other~~
 8 person engaged in the performance of investigative, prose-
 9 cuting, or other functions ~~for~~ of the Commission or any
 10 other agency of the ~~Government~~ *Government, but this shall*
 11 *not prevent examiners appointed pursuant to section 5 of the*
 12 *Administrative Procedure Act from being subject to the*
 13 *supervision of a member or members of the Commission, or*
 14 *a chief examiner for administrative purposes relating to the*
 15 *performance of their duties. No person or persons engaged*
 16 *in the performance of investigative or prosecuting functions*
 17 *for the Commission or for any other agency of the Govern-*
 18 *ment shall participate or advise in the proceedings described*
 19 *in (a) and (b) hereof, except as a witness or counsel in*
 20 *public proceedings.*³ The Commission shall not employ attor-
 21 neys or other persons for the purpose of reviewing transcripts
 22 or preparing intermediate reports of final decisions, except

³ A substantially similar sentence, contained in the FCC's substitute proposal, appears in this print on page 11, line 9.

1 that this shall not apply to the review staff provided by sub-
 2 section 5 (b) and to legal assistants assigned separately to
 3 a Commission member who may, for such Commission
 4 member, review such transcripts and prepare such drafts.
 5 No intermediate report shall be reviewed either before or
 6 after its publication by any person other than a member of
 7 the Commission or his legal assistant, as above provided,
 8 and no examiner, *examiner* who conducts a hearing, *hearing*
 9 shall advise or consult with the Commission with respect
 10 to his intermediate report *initial decision* or with respect
 11 to exceptions taken to his findings, rulings, or recommenda-
 12 tions."

13 (b) Subsections (b), (c), (d), (e), (f), (g), (h),
 14 (i), and (j) of section 409 of the Act, as amended, are
 15 amended to read subsections (c), (d), (e), (f), (g), (h),
 16 (i), (j), and (k), and ~~(l)~~, respectively.

17 SEC. ~~18~~ 13. Section 414 of such Act is amended by
 18 adding at the end thereof the following: "Except as specifi-
 19 cally provided in this Act the provisions of the *Adminis-*
 20 *trative Procedure* Act of June 11, 1946 (60 Stat. 237)
 21 shall apply in all proceedings under this Act."

22 SEC. ~~19~~ 14. Chapter Amend chapter 63 of the Criminal
 23 Code, title 18, is amended by inserting a new section as
 24 follows:

"FRAUD BY RADIO

1
2 "SEC. 1343. Whoever, having devised or intending to
3 devise any scheme or artifice to defraud, or for obtaining
4 money or property by means of false or fraudulent pre-
5 tenses, representations, or promises, shall transmit or cause
6 to be transmitted by means of radio communication or inter-
7 state wire communication, any writings, signs, signals, pic-
8 tures, or sounds for the purpose of executing such scheme
9 or artifice, or whoever operating any radio station for which
10 a license is required by any law of the United States, know-
11 ingly permits the transmission of any such communication,
12 shall be fined not more than \$10,000 or imprisoned not more
13 than five years, or both."

14 SEC. ~~20~~ 15. If any provision of this Act or the applica-
15 tion thereof to any person or circumstance is held in-
16 valid, the remainder of the Act and the application of
17 such provision to other persons or circumstances shall not
18 be affected thereby.